


**PATENT COOPERATION TREATY**

**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 79312 TN/kp	<b>FOR FURTHER ACTION</b>		See Form PCT/PEA/416
International application No PCT/DK2004/000472	International filing date (day/month/year) 02.07.2004	Priority date (day/month/year) 04.07.2003	
International Patent Classification (IPC) or national classification and IPC A01C1/04			
Applicant BENTLE PRODUCTS AG ET AL.			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau) a total of 20 sheets, as follows:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions)</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII. Certain observations on the international application</p>			
Date of submission of the demand  03.05.2005		Date of completion of this report  16.06.2005	
Name and mailing address of the international preliminary examining authority:   European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer  Oltra García, R  Telephone No +31 70 340-3734	



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**Box No. I Basis of the report**

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1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))  
☐ publication of the international application (under Rule 12.4)  
☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

**Description, Pages**

1, 1a, 2, 2a, 3-14

received on 03.05.2005 with letter of 03.05.2005

**Claims, Numbers**

1-12

received on 03.05.2005 with letter of 03.05.2005

**Drawings, Sheets**

1/4-4/4

as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages  
☐ the claims, Nos.  
☐ the drawings, sheets/figs  
☐ the sequence listing (*specify*):  
☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages  
☐ the claims, Nos.  
☐ the drawings, sheets/figs  
☐ the sequence listing (*specify*):  
☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	1-12
	No: Claims	
Inventive step (IS)	Yes: Claims	1-12
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial  
applicability; citations and explanations supporting such statement**

Reference is made to the following documents:

- D1: WO 00/00007 A (BENTLE PRODUCTS AG ; AHM POUL HENRIK (ES)) 6  
January 2000  
D2: US-A-5 372 885 (FINLAYSON MALCOLM F ET AL) 13 December 1994

1. The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and shows (the references in parentheses applying to this document):

- A seed tape (1) including successively arranged germinating units (9), and which further includes at least one carrier strip (2) as well as at least one auxiliary layer (4) biodegradable, flexible, non-woven or film-like material (see page 5, lines 1-11) arranged on said carrier strip (2), and whereby each germinating unit (9) includes a mixture of granulated carrier (page 4, lines 1-5), at least one granulated additive (page 4, lines 6-19) in addition to one or more seeds (10), said mixture plus the seed(s) (10) being kept together to form at least one core portion in the germinating unit (9), whereby the core portion (9) made of said mixture includes locally adhered fibres of one or more thermoplastic materials (page 4, lines 20-22) which form a coherent, open network for keeping the granules of the mixture together (page 3, lines 4-7).

2. The subject-matter of claim 1 differs from this known seed tape in that the fibres of one or more thermoplastic materials which form the network are bicomponent fibres and in that the seeds are placed in an incision in the core portion.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

3. The problem to be solved by the present invention may be regarded as improving the efficiency with which the granulates of the mixture are kept together without hindering the germinating of the seeds.

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4. The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons: Although for the skilled person it would be obvious to use bicomponent fibres to improve the efficiency of the binding in the mixture (see for example D2), placing the seeds scattered, as in D1, in such a coherent mixture would certainly affect negatively the germinating capacity of the seeds. By placing the seeds in an incision they will be efficiently kept into the core portion and their germination won't be hindered by the resistance of the mixture. The use of such an incision is neither disclosed nor rendered obvious by any of the documents cited in the search report as it solves an specific problem of the specific mixture used in claim 1.

5. Claims 2-12 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.